

Notice of Allowability

Application No.

09/728,359

Examiner

Inder P. Mehra

Applicant(s)

HELM ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 7/18/06.
2. ☒ The allowed claim(s) is/are 2-6,9-12, 23, 15, 14,16-22, and 24 (Renumbered as 1-20 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN PEZZLO
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is in response to amendment dated: 7/18/06. Based on this amendment, claims 2-6, 9-12 and 14-24 are pending.

Allowable Subject Matter

2. Claims 2-6, 9-12 and 14-24 are allowed.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims

As recited by claim 2;

- receiving indicia that a second host is actively sourcing one or more packets addressed to a multicast group address, wherein the second host is an end point of the multicast network;
- if any packets are received by the first host within the designated time period, determining that the first host is joined to the multicast group address ; otherwise, if any packets are not received by the first host within the designated time period, determining that the first host is not joined to the multicast group address”.

As recited by claim 15,

- issuing, by the second host, a join command to the one or more network devices in an attempt to join the first multicast group address;

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- determining whether any packets are received by the second host within a designated time period associated with the attempt; and
- if any packets are received by the second host within the designated time period, determining that the second host is joined to the first multicast group address; otherwise, if any packets are not received by the second host within the designated time period, determining that the second host is not joined to the first multicast group address;
- sending, from the second host to one or more network devices, packets addressed to the second multicast group address;
- issuing, by the first host, a join command to the one or more network devices in an attempt to join the second multicast group address;
- determining whether any packets are received by the first host within a designated time period associated with the attempt; and

if any packets are received by the first host within the designated time period, determining that the first host is joined to the second multicast group address; otherwise, if any packet are not received by the first host within the designated time period, determining that the first host is not joined to the second multicast group address.

As recited by claim 22,

“the participating receiving devices that a) receive indicia that a sourcing device is actively sourcing one or more packets addressed to the multicast group address and b) issue a join command to one or more network devices;

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a multicast packet network for distributing the multicast group address to the participating receiving devices, the packet network being adapted to set up a multicast distribution tree between participating receiving devices having successfully joined the multicast group address; and

means for determining whether the participating receiving devices have joined the multicast group address based on whether the participating receiving devices receive any packets on the multicast group address before expiration of a designated time period”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Prior Art of Record

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al discloses a method for creating, modifying and terminating connections between Internet end systems, particularly, although not exclusively, for Internet telephony communications.

Conclusion

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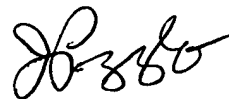
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 7/23/06

Inder P Mehra
Examiner
Art Unit 2617



JOHN PEZZLO
PRIMARY EXAMINER